

Development Applications

Notice is hereby given under Section 57(3) of the *Land Use Planning & Approvals Act 1993* that an application has been made to the Break O' Day Council for a permit for the use or development of land as follows:

DA Number	DA 2026 / 00133
Applicant	TSN Invest Pty Ltd
Proposal	Visitor Accommodation - Additional Use for Visitor Accommodation
Location	56 Main Street, St Marys (CT13655/2)

Plans and documents can be inspected at the Council Office by appointment, 32 – 34 Georges Bay Esplanade, St Helens during normal office hours or online at www.bodc.tas.gov.au.

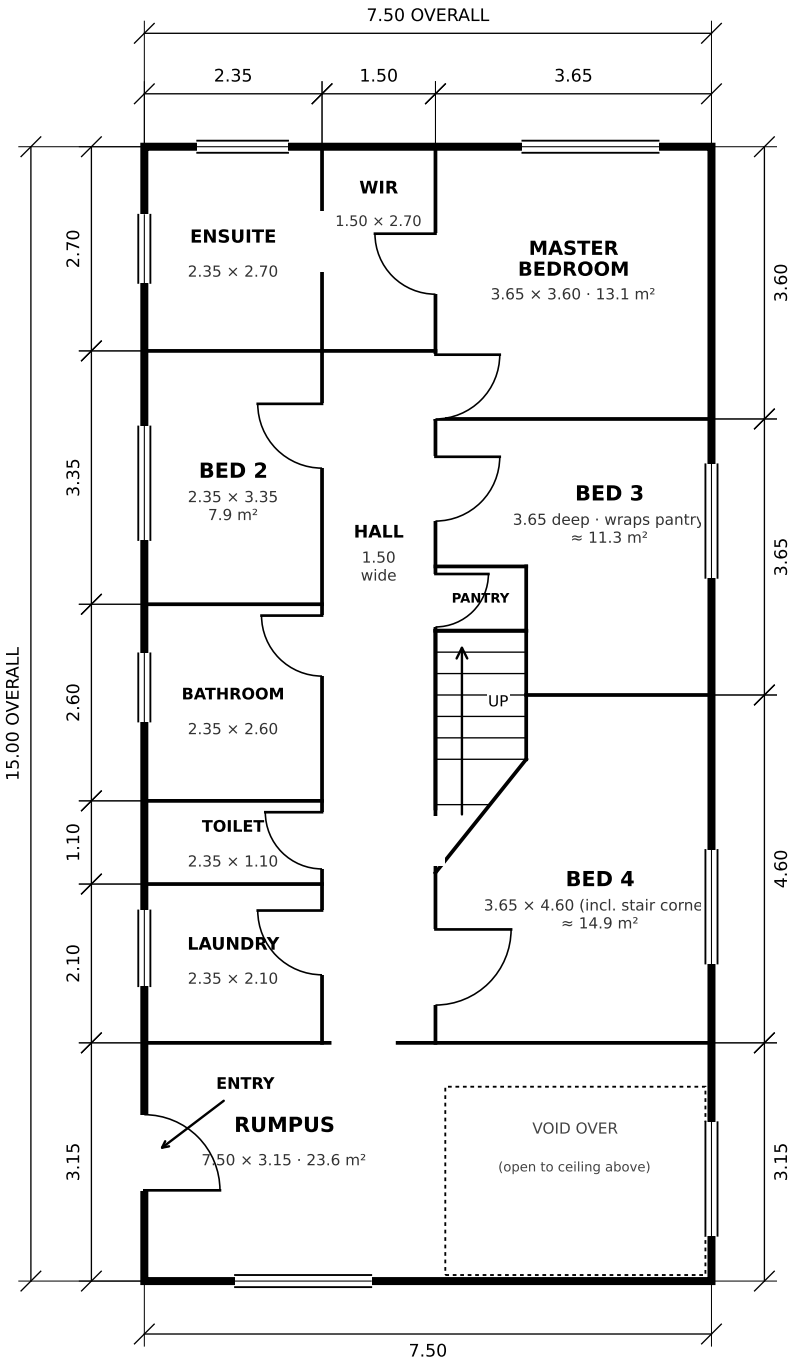
Representations must be submitted in writing to the General Manager, Break O'Day Council, 32 -34 Georges Bay Esplanade, St Helens 7216 or emailed to admin@bodc.tas.gov.au, and referenced with the Application Number in accordance with section 57(5) of the abovementioned Act during the fourteen (14) day advertised period commencing on Saturday 3rd October, 2026 **until 5pm Monday 19th October, 2026.**

John Brown
GENERAL MANAGER

GROUND FLOOR PLAN (LOWER LEVEL)

master suite · 3 bedrooms · bathroom + toilet · laundry · pantry · rumpus + entry — 7.5 m × 15.0 m

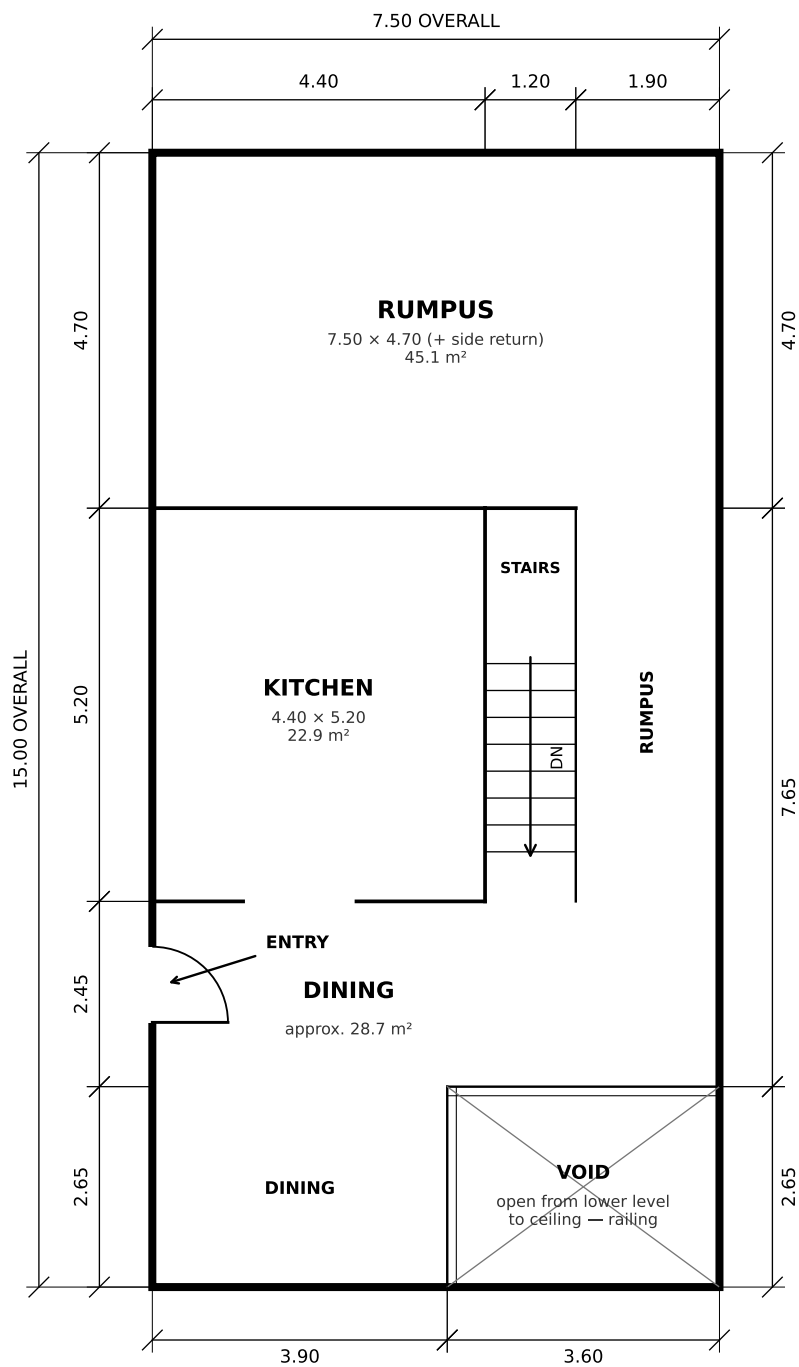
CORRECTIONS (mark measurements / walls to fix):

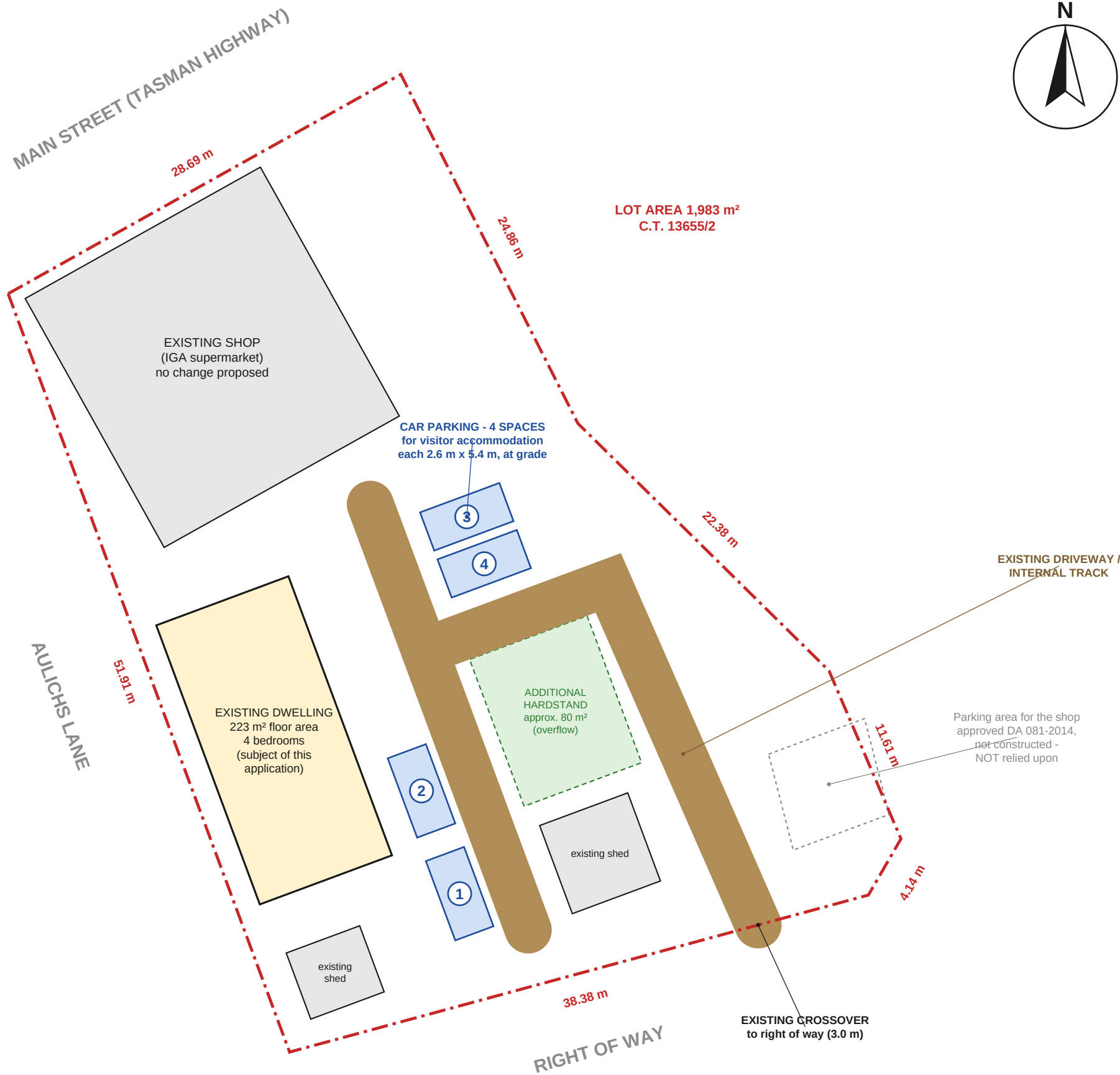


UPPER FLOOR PLAN (ENTRY LEVEL)

entry · dining · void with railing · kitchen · stairs · rumpus — 7.5 m × 15.0 m

CORRECTIONS (mark measurements / walls to fix):





SITE PLAN

CAR PARKING - ADDITIONAL USE FOR VISITOR ACCOMMODATION

PROPERTY
56 Main Street, St Marys TAS 7215
Certificate of Title 13655/2
Local Business Zone
Lot area 1,983 m²

APPLICATION
DA 2026/00133 (Council ref 26 19882)
Response to s.54 request, item 2

APPLICANT / OWNER
TSN Invest Pty Ltd (ACN 658 479 933)
Prepared by the owner:
Sameer Arora, Director
0477 110 013 | sameer.maenka@gmail.com

CAR PARKING (Table C2.1, clause C2.5.1)
Existing use - 4-bedroom dwelling: 3 spaces
Proposed use - visitor accommodation
(max. 10 guests, 1 unit): 3 spaces
Additional demand: nil
Spaces provided (1-4): 4 spaces
Overflow hardstand: approx. 80 m²

NOTES
1. Original drawing prepared by the owner.
Replaces the site plan submitted on
10 September 2026.
2. Boundary dimensions in metres, per title.
3. Buildings, track and spaces are existing
and shown in approximate position.
4. No building works, no new crossover and
no change to the shop are proposed.
5. All four spaces are at grade, served by
the existing crossover to the right of way
and the existing internal track.
6. Parking area approved for the shop under
DA 081-2014 is not relied upon.

LEGEND
--- Title boundary
Existing building (no change)
Dwelling - visitor accommodation
Car parking space 2.6 x 5.4 m
Overflow hardstand
Existing internal track

DATE 27 September 2026	SCALE 1:300 @ A3
DRAWING SP-01	REVISION A

SCALE 1:300 at A3
0 5 10 15 20 m

WRITTEN PLANNING SCHEME RESPONSE

Application: DA 2026/00133 **Property:** 56 Main Street, St Marys TAS 7215 (Certificate of Title 13655/2) **Proposal:** Additional use — Visitor Accommodation (existing dwelling to the rear of the premises) **Applicant / Owner:** TSN Invest Pty Ltd (ACN 658 479 933) **Prepared in response to:** Break O'Day Council letter of 26 August 2026 (Our Ref DA 2026/00133), item 3

1. The proposal

The subject land is a 1,983m² lot in the **Local Business Zone** fronting Main Street (Tasman Highway), St Marys. It contains an operating IGA supermarket addressing the Main Street frontage, and — behind it, accessed from Aulichs Lane — an existing two-storey detached dwelling of 223m² with four bedrooms and two bathrooms, Colorbond walls and roof. The floor area of the dwelling, and the shop floor area of approximately 367m², were confirmed by Council's Planning Officer in the subdivision enquiry response of 26 March 2026.

The dwelling was occupied under a residential tenancy by the supermarket's store manager until January 2026 and has been vacant since.

It is proposed to use the whole of that existing dwelling for visitor accommodation, for a maximum of ten guests at any one time. **No external building works, extensions or structural alterations are proposed.** The change is to the use of the building only. The supermarket use, and the Main Street frontage, are entirely unaffected.

2. Preliminary matter — classification under the 14.2 Use Table

Council's letter proceeds on the basis that the use is Discretionary. We respectfully draw attention to the qualification attaching to Visitor Accommodation in the 14.2 Use Table, which provides that Visitor Accommodation is **Permitted**:

"If located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises."

The dwelling is physically located to the rear of the supermarket premises, is not visible from and takes no part of the Main Street frontage, and is separately accessed from Aulichs Lane. On its face the use appears to fall within the Permitted qualification rather than the residual Discretionary entry ("If not listed as Permitted").

This is raised for the Planning Authority's consideration only. **Without prejudice to that point, the response below addresses clause 14.3.2 P1 and P2 in full as requested.**

3. Clause 14.3.2 — Discretionary uses

Objective: That uses listed as Discretionary do not: (a) cause unreasonable loss of amenity to adjoining residential zones; and (b) compromise or distort the activity centre hierarchy.

A1 No Acceptable Solution. **A2** No Acceptable Solution.

As no Acceptable Solution is available, the performance criteria are addressed.

Performance Criterion P1

A use listed as Discretionary must: (a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and (b) be of an intensity that respects the character of the area.

(a) Amenity of properties in adjoining residential zones

1. The building is existing and unaltered. There is no extension, no increase in footprint, height or bulk, and no external change of any kind. Nothing about the appearance of the site from any adjoining property changes.
2. The dwelling was in continuous residential occupation until January 2026. The proposal returns an existing, currently vacant house to occupation. The relevant amenity comparison is therefore not “nothing versus something”, but a residential tenancy versus intermittent short-stay occupation of the same building by a similar number of people.
3. Occupancy of up to ten guests in a four-bedroom house is of the same order as ordinary residential occupation of that house. The Scheme’s own parking rates reflect this: a four-bedroom dwelling in this zone and the proposed visitor accommodation generate the same requirement (see section 4 below).
4. The dwelling is separated from any adjoining residential zone by the supermarket building and its curtilage, and is set back from Main Street. Guest vehicle movements use the existing crossover and right of way at Aulichs Lane and do not pass through residential streets.
5. The activity is domestic in character — arrival, sleeping, cooking, departure. There is no reception or office, no plant or machinery, no commercial signage beyond property identification, no outdoor commercial area, and no waste stream beyond ordinary domestic collection.
6. The Scheme itself recognises the residential character of this use: clause 14.3.1 A1 expressly **excludes** Visitor Accommodation from the hours-of-operation control that applies to other uses within 50m of a residential zone.
7. Management measures will be adopted as a matter of course: guest numbers capped at ten, no functions or parties, quiet hours observed, and a contact number available to neighbours and to Council at all times.

(b) Intensity that respects the character of the area

8. St Marys is a small rural service town. The Local Business Zone here accommodates a mix of commercial premises and dwellings, and the co-existence of a shop at the front and a house behind is characteristic of the town.
9. The proposal is a single dwelling, let as a whole to one booking at a time. It is the smallest scale at which this use can occur.
10. Clause 14.1.4 states that a purpose of the zone is *“to encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.”* The proposal is squarely within that purpose. The street frontage remains the operating supermarket — active, unchanged, and unaffected by this application.

Performance Criterion P2

A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to: (a) the characteristics of the site; (b) the need to encourage activity at pedestrian levels; (c) the size and scale of the proposed use; (d) the functions of the activity centre and the surrounding activity centres; and (e) the extent that the proposed use impacts on other activity centres.

(a) Characteristics of the site. The site already performs its activity-centre function through the supermarket at the front. The dwelling occupies rear land that has no street frontage and no retail utility. Using it for visitor accommodation takes nothing away from the centre’s commercial capacity.

(b) Activity at pedestrian levels. No ground-floor street frontage is consumed or converted. The supermarket shopfront is untouched. The proposal in fact **adds** pedestrian activity to the centre, by placing up to ten visitors within walking distance of the shops and food services on Main Street.

(c) Size and scale. One existing dwelling; ten guests maximum; no new floor area. The scale is negligible in activity-centre terms.

(d) Functions of this and surrounding activity centres. St Marys serves the Fingal Valley and is a stopping point for visitors to St Patricks Head, the Bay of Fires and the east coast. Short-stay accommodation is a recognised gap in the town. The use complements — it does not duplicate or displace — the retail and food functions of the centre.

(e) Impact on other activity centres. None. The use is not retail or commercial in the trade sense. It diverts no trade from any other centre, and it draws visitors into St Marys rather than away from it.

Conclusion on 14.3.2. The proposal does not cause an unreasonable loss of amenity to adjoining residential zones, and does not compromise or distort the activity centre hierarchy. P1 and P2 are satisfied, and the objective of clause 14.3.2 is met.

4. Clause C2.5.1 — Car parking numbers

Objective: That an appropriate level of car parking spaces are provided to meet the needs of the use. **A1** The number of on-site car parking spaces must be no less than the number specified in Table C2.1 [subject to the exclusions at (a)–(d)].

Requirement for the proposed use (C)

Table C2.1 — **Visitor Accommodation:** “1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is the greater.”

The whole dwelling is let as one self-contained unit = 1 space. Taking the maximum occupancy of ten as the conservative bed figure, $10 \div 4 = 2.5$, rounded up = 3 spaces. The greater figure applies.

C = 3 spaces.

Requirement for the existing use (B)

Table C2.1 — **Residential,** “Any Residential use in any other zone” (the site is in the Local Business Zone): “1 space per bedroom or 2 spaces per 3 bedrooms...”

The dwelling has four bedrooms. At 2 spaces per 3 bedrooms: $4 \times 2 \div 3 = 2.67$, rounded up = 3 spaces.

B = 3 spaces.

Application of A1

The requirement for the proposed use is **not greater** than the requirement for the existing use. The change of use therefore generates **no additional parking demand** under the Scheme, and the number of spaces required remains three.

Four (4) on-site car parking spaces are provided for the visitor accommodation use, shown and labelled 1 to 4 on the amended site plan accompanying this response, together with an additional area of approximately 80m² of existing hardstand available for overflow parking at peak occupancy. These four spaces are dedicated to the dwelling and are entirely separate from the parking area approved for the shop under DA 081-2014 near the southern boundary, which Council has noted has not been constructed to date and which is not relied upon for this application.

Access is via the existing crossover onto the right of way at the south-east corner of the site and the existing internal track alongside the dwelling. No new crossover is proposed. The spaces are at grade, individually accessible, and no vehicle is required to reverse onto Main Street.

A1 is met, with one space more than required. No reliance on P1.1 or P1.2 is required.

For completeness, were the Planning Authority to reach a different view, the reasonable needs of the use would nonetheless be satisfied having regard to P1.1 — in particular (b) the ability to share spaces given that supermarket parking demand peaks during trading hours while guest

demand peaks overnight; (f) the availability and safety of on-street parking on Aulichs Lane; and (g) the absence of any effect on streetscape, all parking being at the rear of the site.

5. Conclusion

The proposal is the re-occupation of an existing, currently vacant dwelling at the rear of an established supermarket, with no building works of any kind. It meets the performance criteria of clause 14.3.2 and the acceptable solution of clause C2.5.1, and it directly advances the purpose of the Local Business Zone at clause 14.1.4.

We further note Council's advice of 26 March 2026 that, absent further development or intensification of the site, additional parking spaces are not likely to be required, and that what matters is that the spaces currently servicing the dwelling and the shop are clearly outlined. This application proposes no building works, no change to the shop or its retail floor area, and no new vehicle access. The accompanying site plan sets out the parking serving the dwelling.

Approval is respectfully requested.

TSN Invest Pty Ltd Per: Sameer Arora, Director

Clause text reproduced from the Tasmanian Planning Scheme — State Planning Provisions, clause 14.0 Local Business Zone and clause C2.0 Parking and Sustainable Transport Code.